**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

**MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929**

**Crl.Rev.Pet.No. 480 of 2000(C)**

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**CRL.RP.NO.49/1994 OF SESSIONS COURT, MANJERI,**
**MC.162/1992 OF JUDL.MAGISTRATE OF FIRST CLASS COURT-I, MANJERI.**

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**REVISION PETITIONER/RESPONDENT/PETITIONER:**

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**KARUTHARU VADAKKETIL ASMABI,**
**D/O. KUNHIMUHAMMED,**
**MAMPATTA, THARISU,**
**KARUVARAKUNDU, MALAPPURAM DISTRICT.**

**BY ADV. SRI.BABU S. NAIR.**

**RESPONDENT/REVISION PETITIONER/RESPONDENT:**

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1. **PARATHODAN MUHAMMADALI,**
   **S/O. MUHAMMED,**
   **PANTHRA, PUTHIYAKADA.P.O.,**
   **KARUVARAKUNDU, MALAPPURAM DISTRICT.**

2. **STATE OF KERALA,**
   **REPRESENTED BY THE PUBLIC PROSECUTOR,**
   **HIGH COURT OF KEALA, ERNAKULAM,**
   **KOCHI-31.**

**BY ADV. SRI.K.M.SATHYANATHA MENON,**
**PUBLIC PROSECUTOR SRI. AMJAD ALI.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**K.R.UDAYABHANU, J**

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Crl.R.P.No.480 of 2000

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Dated this the 10th day of September, 2007

**O R D E R**

The revision petitioner is the petitioner in M.C.No.162/92 in the file of Judicial First Class Magistrate Court-I, Manjeri who initiated the proceedings under the provisions of Muslim Women (Protection of Rights on Divorce) Act, 1986. It is the grievance of the petitioner that the Sessions Judge in revision reduced the amount ordered by half.

2. It is the case of the petitioner that the parties were got married about 12 years back. The second petitioner is the child born in the wedlock. Subsequently, the respondent had demanded more money and ornaments and she was harassed by him. The ornaments and money given at the time of marriage was misappropriated and subsequently he pronounced talak. It is also mentioned that about 6 years back the respondent went to Jiddah and was working in a butcher shop. After 5 years he returned back and then he is conducting a textile shop. She has claimed a sum of Rs.3,000/- per month for maintenance during

the Iddat period and Rs.1 lakh towards the future maintenance apart from Rs.47,000/- and Rs.67,000/- being the value of cash, gold ornaments etc. misappropriated and Rs.300/- per month as maintenance for child.

3. The evidence adduced in the matter consisted of the testimony of PW1, RW1 and Exts. R1 and R2.

4. The trial court ordered maintenance during the iddat period as Rs.3,000/- and Rs.60,000/- as reasonable and fair provision and Rs.200/- as monthly maintenance to the child. The appellate court reduced the above amount to Rs.1,500/- during the iddat period and Rs.30,000/- as reasonable and fair provision. It is the contention that the appellate court has reduced the amount without any justification. It is the case of the revision petitioner that the respondent had admitted that while he was working abroad he was purchased the property in the name of his wife which indicated that he was having sufficient income. The case of the respondent is that he is getting the income of Rs.40/- per day from his tailoring shop. It was also brought out that both the parties have remarried. As noted by the appellate court no

objective evidence have been produced to establish that the respondent is having assets and income as contended by the petitioner. The appellate court has noted that considering the income and status of the parties it would be reasonable to treat Rs.500/- per month as the sum that can be awarded by during the iddat period and Rs.30,000/- as reasonable and fair provision. Considering the fact that the M.C. is of the year 1992, I find that no interference is called for.

The revision petition is dismissed.

**K.R.UDAYABHANU,**
**JUDGE**

csl